

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

REN JUDKINS, :
: Plaintiff, : Case No.
v. :
: HT WINDOW FASHIONS CORP., : **Jury Trial Demanded**
a California corporation, :
: Defendant. :
:

COMPLAINT

Plaintiff, Ren Judkins, by his attorneys, alleges as follows:

Jurisdiction and Parties

1. This is an action for infringement of United States Patent No. 7,182,120 arising under the provisions of the Patent Act, 35 U.S.C. Sec. 1, et. seq. particularly 35 U.S.C. Sec. 271.
2. This court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. Sec. 1338(a). Venue is proper under 28 U.S.C. Sec. 1400(b) and Sec. 1391(c).
3. Plaintiff, Ren Judkins (hereinafter "JUDKINS") is an individual residing at 46 Newgate Road, Pittsburgh, Pennsylvania 15202.
4. Upon information and belief, HT Window Fashions Corp. (hereinafter "HT" or "Defendant") is a California corporation having a principal office of business at 770 S. Epperson Drive, City of Industry, California 91748.

ALLEGATIONS OF FACT

5. Ren Judkins is the inventor and owner of United States Patent No 7,182,120 for Tabbed Multi-Cellular Shade Material ("the '120 patent"). A copy of the '120 patent is attached as Exhibit A.

6. The '120 patent discloses and claims a material used in window coverings. The claimed material has a multi-cellular structure with a tab extending from the cells on one face of the material.

7. HT distributes window covering products including a line of double cell products under the POLARIS trademark. There is a tab extending from each cell on one face of the double cell material. These products are sold and offered for sale throughout the United States and in this judicial district.

Count I - Infringement of the '120 Patent

8. At least some claims of the '120 patent literally read on the POLARIS double cell products.

9. JUDKINS informed HT's counsel when the application which issued as the '120 patent was approved, provided a copy of the allowed claims and told counsel that the sale and offer for sale of the POLARIS double cell products after the patent issued would infringe JUDKINS patent rights.

10. HT's use, sale and offer for sale of the POLARIS double cell products has been without the consent of JUDKINS.

11. The continued sale and offer for sale of the POLARIS double cell products constitute willful and intentional infringement of JUDKINS' '120 Patent, are in total disregard of

JUDKINS' rights and have continued in spite of Defendant's knowledge that the manufacture, use, sale and offer for sale of the products would be in direct contravention of JUDKINS' rights.

WHEREFORE, Plaintiff prays:

- (a) That Defendant be adjudged to have infringed United States Patent No. 7,182,120;
- (b) That Defendant be enjoined and restrained from further infringement of said patent;
- (c) That Defendant be required to pay damages to JUDKINS for injuries sustained by JUDKINS as a result of its infringement of said patent, in an amount to be determined at trial, and that those damages resulting from Defendant's infringement of said patent be trebled by reason of Defendant's willful infringement, together with interest pursuant to 35 U.S.C. Sec. 284;
- (d) That Defendant be required to account for any and all profits derived by it by reason of the acts complained of in this Count pursuant to 35 U.S.C. Sec. 289;
- (e) That Defendant be required to deliver to JUDKINS for destruction all merchandise which infringes said patent;
- (e) That JUDKINS may have a judgment for costs, including its reasonable attorneys fees; and

(f) That JUDKINS may have such other and further relief as the equities of the case may require and to the Court may seem just.

A JURY TRIAL IS DEMANDED.

REN JUDKINS

February 27, 2007

By /s/ Bryan H. Opalko

Lynn J. Alstadt
PA I.D. No. 23487
Bryan H. Opalko
PA I.D. No. 86721
BUCHANAN INGERSOLL &
ROONEY PC
One Oxford Centre
301 Grant Street
Pittsburgh, PA 15219
Telephone 412-562-1632

Attorney for Plaintiff